REMARKS

In response to the Restriction Requirement dated April 16, 2009, Applicants hereby wish to elect, with traverse, the subject matter of Group I (drawn to a pharmaceutical composition) for continued prosecution in this application. Claims 61-65 have been cancelled without prejudice.

Claims 1 and 38 have been amended. No new matter has been added with these amendments.

Furthermore, Applicants wish to elect the following species.

- A. Single disclosed 5-HT₃ antagonist from claim 33 ondansetron
- B. <u>Single disclosed buffer system from claims 20 and 21</u> sodium carbonate and sodium bicarbonate
 - C. Single disclosed dosage form from claim 4 a dissolving tablet
 - D. <u>Gum base</u> Composition without gum base

Applicants believe that claims 1-4, 6, 13-22, 24-43, 45-55, 57, and 59-60 read on the elected species.

Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicant's undersigned representative at (949) 760-9600. The Commissioner is hereby authorized to charge any additional fees that may be required to Deposit Account No. 50-2862.

NB1:778309.1

Patent

Attorney Docket: 872,521-041

Respectfully submitted,

O'MELVENY & MYERS LLP

Dated: <u>July 21, 2009</u>

By:

Reg. No. 37,861

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